

10.04.2023

Sl.12
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1478 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No.**459 of 2022** dated **02.11.2022** under Sections **448/376/506** of the Indian Penal Code.

And

In the matter of: **Motibur Rahaman**

....petitioner.

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... for the petitioner.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate
Ms. Sonali Bhar

...for the State.

Petitioner prays for anticipatory bail.

There is a statement recorded by the victim under Section 164 of the Code of Criminal Procedure where, she claims that she was raped by the petitioner. No further details were provided by the victim as to the place of occurrence, time of occurrence or anything else.

The police complaint was lodged pursuant to an order passed under Section 156(3) of the Code of Criminal Procedure.

There is an injury report of the victim on the date of the incident.

However, the victim refused to undergo medical examination subsequent to the lodgment of the First Information Report.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like

amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1478 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)